

**DURHAM, NORTH CAROLINA
MONDAY, OCTOBER 4, 1999
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, Deputy City Clerk D. Ann Gray and Administrative Assistant Linda Bratcher.

Mayor Tennyson called the meeting to order and at this time, County Manager David Thompson read a Resolution adopted by the Durham County Board of Commissioners "Paying Tribute to the Employees" that contributed to the Collaborative Effort of Durham County and City Governments for Hurricane Floyd Preparedness.

The following proclamations were read by Mayor Tennyson: "Prayer and Fast Month", October 19, 1999 and "Mental Illness Awareness Month," October 4-8, 1999.

Mayor Pro Tempore Clement recognized Harold Byrd, of the Solid Waste Department, who recently won first place in the Rear Loader Competition at the Annual North Carolina Solid Waste Association of North America ROAD-E-O. Also, Mayor Pro Tempore Clement recognized St. Philips Episcopal Church for investing in the improvement of downtown Durham.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell recognized Assistant City Manager Greg Bethea for a brief update on the status of the city's efforts in Eastern North Carolina.

Assistant Fire Marshall Kelley Wimberly briefed council on the City's Seven Stars Campaign. Also, it was noted that Council Member Blyth was selected as the Seven Stars Program Coordinator for the City Council.

City Attorney Blinder informed the Council of a concluded settlement authorized by the City Council in closed session [Vanessa Stamper and Edward Williams (individually) and as administrators for Quintino Williams, Deceased vs. Ventures of Durham, Inc. and the City of Durham]. City Attorney Blinder noted the case has been settled and the city paid \$639,163.14 to the plaintiffs in the settlement of the claims against the city.

There were no priority items from the City Clerk.

Mayor Tennyson asked if there were any council member(s) or citizen(s) who wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. The Mayor noted the revisions to Consent Items 4; 5; and 18 made at the previous Committee-of-the-Whole Meeting.

MOTION by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: DOWNTOWN MASTER PLAN

MOTION by Council Member Larson seconded by Council Member Miller to receive the Consultant's final plan presentation of the Downtown Durham Master Plan was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DURHAM AREA TRANSIT AUTHORITY BOARD - APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Miller to appoint Donna Frederick, Jonathan Graves, Patricia King (terms to expire March 1, 2002) and Jeremy Raw (term to expire March 1, 2000) to the Durham Area Transit Authority Board was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DURHAM CONVENTION & VISITORS BUREAU BOARD OF DIRECTORS APPOINTMENT

MOTION by Council Member Larson seconded by Council Member Miller to appoint E'vonne Coleman Borie, At-Large Member, to the Durham Convention & Visitors Bureau Board of Directors (term to expire October 30, 2002) was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council

Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RECODIFICATION OF THE DURHAM CITY CODE

To receive a report from the City Clerk.

MOTION by Council Member Larson seconded by Council Member Miller to refer this item to the City Clerk was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SENATE BILL 333 CONCERNING BOARDS, COMMITTEES AND COMMISSIONS

To receive a report from the City Clerk.

MOTION by Council Member Larson seconded by Council Member Miller to refer this item to the City Clerk was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: USE OF FEDERAL ASSET FORFEITURE FUNDS

MOTION by Council Member Larson seconded by Council Member Miller to authorize the use of Federal Asset Forfeiture Funds, in an amount not to exceed \$15,500, to purchase a vehicle to be used by an investigator assigned to the DEA and FBI Task Force was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: BOND COUNSEL REQUESTS FOR QUALIFICATIONS (RFQ)

MOTION by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on Bond Counsel Requests for Qualifications was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: UDI COMMUNITY DEVELOPMENT CORPORATION SUBRECIPIENT
CONTRACT - SHOPPING CENTER DEMOLITION AT 3022
FAYETTEVILLE STREET**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute the proposed Subrecipient Contract with UDI Community Development Corporation allocating \$130,000 in Community Development Block Grant funds for the demolition of the existing shopping center at 3022 Fayetteville Street was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: WORKFORCE INVESTMENT ACT - SETTING PUBLIC HEARING

MOTION by Council Member Larson seconded by Council Member Miller to set a public hearing on Monday, October 18, 1999 to receive public comment on Durham's Workforce Investment Act Plan was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CONTRACT FOR WELFARE TO WORK PROGRAM - DURHAM COUNTY

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Durham County in the amount of \$665,465 for the comprehensive Welfare to Work Program was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: FINAL APPROVAL EAGLE VILLAGE CDC-HOME FUNDS - EAGLE
VILLAGE COMMUNITY DEVELOPMENT CORPORATION, INC.**

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Loan Agreement, Builder Participation Agreement, and related documents with the Eagle Village Community Development Corporation, Inc. in an amount up to \$124,050 from HOME funds as acquisition and mortgage financing, and \$41,350 of HOME funds for a CHDO Operating Grant and to make minor changes to the Loan Agreement as are consistent with the

loan terms and the HOME Program requirements approved by the City Council; and

To determine that mortgage loans for this home ownership project are not otherwise available, wholly or in part, from public or private lenders upon equivalent or reasonably equivalent terms and conditions was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: LEGISLATIVE ITEM

MOTION by Council Member Larson seconded by Council Member Miller to refer to the Legislative Subcommittee/City Attorney to seek clarifying legislation regarding privacy issues for use of name searches on the Internet was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - ACE HARDWARE

MOTION by Council Member Larson seconded by Council Member Miller to approve a site plan for the Ace Hardware, submitted by Neal Road Developers, LLC, consisting of a 28,550 square foot retail and building supply facility and 93 parking spaces on a 2.56 acre lot, zoned CT, located on the south side of Hillsborough Road (US 70) and east side of Neal Road (Tax Map 761-03-006C) was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED CEMETERY ORDINANCE AMENDMENT

MOTION by Council Member Larson seconded by Council Member Miller to adopt "An Ordinance Amending Section 7-40 of the Durham City Code to Establish a Variance Provision for Monument Placement" was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: PROPOSED ACQUISITION OF PROPERTY FROM RAYMOND L. AND FRANKIE R. BARNES FOR THE COMMERCIAL REVITALIZATION OF

THE 900 BLOCK CORRIDOR OF EAST MAIN STREET (EDGEMONT AREA)

MOTION by Council Member Larson seconded by Council Member Miller to approve the acquisition of the property at 933 East Main Street, Tax Map 132-13-010, property of Raymond L. and Frankie R. Barnes, for \$33,900 was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: SELECTIVE DEMOLITION CONTRACT FOR THE SOLID WASTE INCINERATOR - D. H. GRIFFIN WRECKING COMPANY, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with D. H. Griffin Wrecking Company, Inc. in the amount of \$119,000, with a \$5,000 contingency, to perform selective demolition at the Solid Waste Incinerator Facility was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STATUS REPORT ON TRAFFIC SIGNALS AT ALSTON AVENUE/TAYLOR STREET, FAYETTEVILLE STREET/ELMIRA AVENUE AND HOPE VALLEY ROAD/SOUTH ROXBORO STREET

MOTION by Council Member Larson seconded by Council Member Miller to receive a status report from the Administration concerning the traffic signals at Alston Avenue/Taylor Street, Fayetteville Street/Elmira Avenue and Hope Valley Road/South Roxboro Street was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: YORKSHIRE DRIVE - WATER AND SEWER SERVICE

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to proceed with the acquisition of easements and rights of way at no cost to the City to extend water and sewer to Yorkshire Drive was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: WATER EXTENSION AGREEMENT WITH CENTEX REAL ESTATE CORPORATION - LAKEHURST POINT SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a Water Extension Agreement with Centex Real Estate Corporation to extend City water to serve Lakehurst Point, a 30.01 acre single family subdivision located between Herndon Road and Grandale Drive south of Massey-Chapel Road was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH THRIFTY OFFICE FURNITURE, INC.

MOTION by Council Member Larson seconded by Council Member Larson to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Thrifty Office Furniture, Inc. to serve a proposed office building to be located on Highway 70 about 750 feet south of Pleasant Drive was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: DURHAM-CHATHAM WATER AGREEMENT

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute an "Agreement Between Chatham and Durham Establishing Conditions for the Purchase of Water"; and

To authorize the City Manager to hereafter negotiate without further City Council approval aspects of the agreement not affecting projected revenues to the City was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: TRIANGLE AREA WATER SUPPLY MONITORING PROJECT PHASE IV AMENDMENT TO INTERLOCAL AGREEMENT

MOTION by Council Member Larson seconded by Council Member Miller

to authorize the City Manager to execute the "Amendment to Interlocal Agreement" among several local governments in Region J for participation in Phase IV of the Triangle Area Water Supply Monitoring Project was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CAPITAL PROJECT ORDINANCE FOR THE HILLSIDE PARK POOL REPLACEMENT

MOTION by Council Member Larson seconded by Council Member Miller to adopt the "City of Durham Capital Project Ordinance Hillside Park Pool Replacement" was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CONSTRUCTION CONTRACT FOR THE CONSTRUCTION OF SECTIONS 2 AND 4 OF THE ROCKY CREEK/PEARSONTOWN TRAILS - HUSKY CONSTRUCTION CORPORATION

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Husky Construction Corporation in the amount of \$340,000, with a contingency of \$30,000, for the construction of Sections 2 and 4 of the Rocky Creek/Pearsonstown Trails and to authorize the City Manager to make changes to the contract such that the scope of services is not reduced and the contract amount is not increased was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CONSTRUCTION CONTRACT FOR THE RENOVATION OF BURTON PARK - KINSTON CONTRACTING, INC.

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with Kinston Contracting, Inc. in the amount of \$258,886, with a contingency of \$25,000, for the renovation of Burton Park and to authorize the City Manager to make changes to the contract such that the scope of services is not reduced and the contract amount is not increased was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs,

Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: CONSTRUCTION FOR THE RENOVATION OF BAY-HARGROVE, DREW-GRANBY, OAKWOOD, AND EDMONT PARKS - WHITE OAK CONSTRUCTION CORPORATION

MOTION by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a contract with White Oak Construction Corporation in the amount of \$395,000, with a contingency of \$30,000, for the renovation of the Bay-Hargrove, Drew-Granby, Oakwood, and Edgemont Parks and to authorize the City Manager to make changes to the contract such that the scope of services is not reduced and the contract amount is not increased was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION OF APRECIATION TO STEVE R. SONS

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution of Appreciation to Steve R. Sons for His Work as Chair of the Durham Workforce Development Board" was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION THANKING THE EMPLOYEES OF THE CITY AND COUNTY OF DURHAM FOR THEIR SERVICE DURING HURRICANE FLOYD

MOTION by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Thanking the Employees of the City and County of Durham for Their Service During Hurricane Floyd" was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: UPDATED STATUS REPORT ON YEAR 2000 PROJECT

MOTION by Council Member Larson seconded by Council Member Miller to receive an updated status report on the Year 2000 Project was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson,

McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STOP SIGNS - CAMBRIDGE AT WYNDCROSS

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) North Rossford Lane (private) at Herndon Road, northwest corner; and
- 2) South Rossford Lane (private) at Herndon Road, southeast corner

SUBJECT: STOP SIGNS - CAMERON WOODS

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Ashland Drive at Pickett Road, northwest corner;
- 2) Paradise Place at Ashland Drive, southwest corner; and
- 3) Alderman Lane at Ashland Drive, northeast and southwest corners.

SUBJECT: STOP SIGNS - CARRIAGE HILL

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Sterling Ridge Lane at Garrett Road, southwest corner; and
- 2) Morgan's Ridge Lane at Sterling Ridge Lane, southeast corner.

SUBJECT: STOP SIGN - DODSWORTH COURT

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Dodsworth Court at Lochn'ora Parkway, southeast corner was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: STOP SIGNS - FALLSWORTH DRIVE

MOTION by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

- 1) Fallsworth Drive at Annandale Road, southwest corner; and
- 2) Fallsworth Drive at Glennwood Drive, northeast corner.

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: Sidewalk - Liberty Street (South Side) from Goose Creek, west of Hyde Park Avenue, to Driver Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sidewalk on Liberty Street (South Side) from Goose Creek, west of Hyde Park Avenue, to Driver Street was approved at 8:08 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sidewalk - Guthrie Avenue (East R-0-W) from Holloway

Street South to Liberty Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sidewalk on Guthrie Avenue (East R-0-W) from Holloway Street south to Liberty Street was approved at 8:08 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sidewalk - Liberty Street (South Side) from Briggs Avenue (East) to Gary Street, Tax Map 149, Block 5, Lot 9

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sidewalk on Liberty Street (South Side) from Briggs Avenue (East) to Gary Street, Tax Map 149, Block 5, Lot 9 was approved at 8:09 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sidewalk - Liberty Street (South Side) from Briggs Avenue (West) to Park Avenue

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sidewalk on Liberty Street (South Side) from Briggs Avenue (West) to Park Avenue was approved at 8:09 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Sewer Main - Hardee Street from Landon Street to South Property Line of Tax Map 223-1-13 under Enabling Act Authority

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering sewer main on Hardee Street from Landon Street to South Property Line of Tax Map 223-1-13 under Enabling Act Authority was approved at 8:10 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: Water Main - Hardee Street from Landon Street to Fiske Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering water main on Hardee Street from Landon Street to Fiske Street was approved at 8:10 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: ZONING MATTER CASE P99-25, MILLENNIUM PROPERTIES EAST SIDE OF COOK ROAD, EAST OF TALL OAKS DRIVE, ADJACENT TO AMERICAN TOBACCO TRAIL AND NORTH OF FAYETTEVILLE ROAD

Case: P99-25 (continued from the September 7, 1999 City Council Meeting; request for withdrawal has been received)

Applicant: Millennium Properties

Location: 10 acres on east side of Cook Road, east of Tall Oaks Drive, adjacent to American Tobacco Trail and north of Fayetteville Road (Tax Map 518-3-4, 4A, 10, 10A)

Request: Rezoning from PDR 4.6 (Planned Density Residential, 4.6 units per acre) to PDR 4.6--Change in Development Plan

To adopt an ordinance amending the Zoning Ordinance, the same

being Chapter 24 of the Durham City Code, by taking the above described property out of PDR-4.6 and placing same in and establishing same as PDR-4.6 to change the Development Plan.

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

It was noted that the applicant requested withdrawal of this rezoning case.

MOTION by Council Member McKissick seconded by Council Member Cox to approve the applicant's request for withdrawal of this rezoning matter was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

[OTHER MATTERS]

SUBJECT: POLICY REGARDING NAME SEARCH FUNCTION ON THE GIS INTERNET PROGRAM

MOTION by Council Member Blyth seconded by Council Member Cox to adopt a policy to not implement the name search function for GIS data access over the Internet was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley and Larson. Noes: Council Members McKissick and Miller. Absent: None.

[SUPPLEMENTAL ITEMS]

SUBJECT: DESIGNATION OF CITY AGENT FOR HURRICANE FLOYD DISASTER RELIEF

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt a resolution designating Navdeep S. Gill as Agent for the City of Durham for the purpose of obtaining Federal financial assistance for Hurricane Floyd disaster relief was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING HUGH LECKY, JR.

MOTION by Council Member Larson seconded by Council Member Miller

to adopt a "Resolution Memorializing Hugh Lecky, Jr. was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING SAM REED

To adopt a "Resolution Memorializing Sam Reed."

MOTION by Council Member Larson seconded by Council Member Miller to refer this item to the City Clerk's Office was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 8:16 p.m.

D. Ann Gray, CMC
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk